

Thank you for forwarding the information regarding SJR 35. As I research the issues you have outlined below, I realize that the work group has a complicated task to accomplish.

I believe that the question regarding criteria to justify the formation of a new board is important and deserves careful consideration. As you know, I was involved in this process during the 2005 legislative session when I carried HB 628. The principles outlined in HB 628 to establish a new board may be helpful in defining the rules for establishing new boards in the future. Since new boards must be established through legislation, I believe that the process of justification for the new board, the legislative process, is already in place. However, HB 628 established an interim period wherein the board was mandated to conduct a study to further examine and determine the need for its services. This information will be brought to the next legislative session and, once again, the legislature will decide if the board is necessary.

It is also currently the role of the legislature to carefully examine bills for appropriate administrative attachment of boards to executive departments. I understand that it is your intention to examine the criteria for the appointment of executive staff. I do not see any mention in the description of your study of specifically examining the appropriate administrative attachment of each board to its state agency, unless this is implied in question (2),(A). I believe that it is the responsibility of the legislature to review these issues, case by case, and clarify administrative attachment in the legislation that creates the board.

Finally, I would like to say that there will always be "turf battles" between associations, boards and professions as long as economic spheres of influence overlap. I do not believe that it is the role of the legislature to micromanage every conflict of interest or disagreement. Once they have been established, boards are attached to agencies under the auspices of the executive branch. Disagreements will happen and most can and should be resolved through direct negotiation between the affected parties. Taking other than the most grave disagreements to the legislature impedes any negotiating process that might be employed to resolve issues. With this practice in place, even minor issues will be sent to the legislature for the political resolution of what is actually an executive responsibility. Thank you for your consideration of my comments on these issues.

Sincerely, Rep Paul Clark, HD13